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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/426,954	10/26/1999	EUGENE AUGUST FUSZ	10209-00007	2561

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EXAMINER

BOYCE, ANDRE D

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 11/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/426,954

Applicant(s)

FUSZ, EUGENE AUGUST

Examiner

Andre Boyce

Art Unit

3623

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 October 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1, 3-17, 19-26 and 28.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Susanna Ditz
SUSANNA DITZ
Primary Examiner
A-U.3623

Continuation of 5. does NOT place the application in condition for allowance because: With respect to claims 1 and 8, Applicant argues that Goldhaber et al in view of Kepecs does not describe or suggest an inability to accept contact information. Applicant further argues that the selection of only a KEY with no other identification does not imply an inability to accept contact information. The Examiner disagrees with Applicant's assertions, and respectfully submits that Kepecs discloses the lowest level of security, simply being the KEY with no other identification (see column 6, lines 52-59). This particular method (embodiment), as disclosed by Kepecs, includes no other contact identification or information, and indeed discloses Applicant's limitation of "maintaining the anonymity of the individual through an inability to accept contact information in the profile". Identifying the consumer by the KEY only, includes both an inability to store (i.e., not maintaining), but also an inability to accept. Any other interpretation, inclusion, or acceptance of information would not be included in the "lowest level of identification", as disclosed by Kepecs. Further, Applicant argues that the KEY in the DAP system is networked to other computer systems which include contact information, thereby binding the KEY to contact information. The Examiner disagrees with Applicant's logic and conclusion. Being anonymous to DAP, via the lowest level of identification, is pertinent to Applicant's invention, and being networked to other computers seems irrelevant, since the consumer still remains anonymous to the DAP. This connection to other networks in no way precludes Kepecs from teaching Applicant's invention. Further, Applicant's specification discloses web server 12, mail server 22, and fax server 52 configured to be networked to consumer computers 26, 28, and 30 (page 3, lines 6-13), via the Internet. Using Applicant's logic, the consumer would no longer be anonymous since the consumer accesses servers 12, 22, and 52 via the consumer's password. As a result, this password is connected to, inter alia, the fax server 52, which would at least contain the consumer's telephone (number) link 54. Further, being connected to mail server 22 implies that an email address would be linked to the password also.